

REMARKS/ARGUMENTS

This Amendment is in response to an Office Action mailed May 16, 2003. In the Office Action, claims 3, 5, 9, 11, 15 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Muratani (U.S. Patent No. 6,061,451) in view of Serbinis (U.S. Patent No. 6,314,425B1).¹ In addition, claims 4, 6, 10, 12, 16 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Muratani in view of Serbinis and statements made in the "Description of Related Art" section of the subject application. Applicant respectfully traverses these rejections. Claim 3 has been amended, but such amendment does not narrow the scope of the claim as previously provided.

Applicant respectfully submits that Serbinis does not constitute prior art. In accordance with MPEP §715.04 and 37 C.F.R. §1.131, a Rule 131 declaration by the named inventor is acceptable evidence of prior conception. Herewith, the undersigned attorney respectfully submits a Rule 131 Declaration executed by Mr. Brant Candelore, the sole inventor. Mr. Candelore declares that he conceived the claimed invention prior to April 7, 1999. Serbinis was filed on August 17, 1999 as a continuation-in-part (CIP) application of U.S. Application No. 09/288,064 filed April 7, 1999 (hereinafter referred to as the "'064 Application"). Therefore, the subject application was filed less than three months after Serbinis and less than six months after the '064 Application. Such timeliness provides ample evidence of due diligence from the effective filing date of Serbinis until the filing date of the subject application (October 29, 1999).

¹ It is noted that paragraph 3 of the Office Action states that only claim 3 is rejected; however, it is presumed that this is a typographical error.

Based on the foregoing, Applicant respectfully requests withdrawal of the §103(a) rejections and allowance of the pending claims.

Additionally, Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of Muratani and Serbinis fails to describe or suggest each and every limitation as set forth in the claims. More specifically, as one illustrative example, neither Muratani nor Serbinis, alone or in combination, suggests the limitation of generating the local key from a programmable user key according to an authorization code provided by the content provider. This limitation is set forth on Claim 3 (lines 5-6), Claim 9 (lines 3-4) and Claim 15 (lines 6-7).

The Office Action alleges that Muratani fails to disclose this limitation, but alleges that it would have been obvious to one of ordinary skill in the art to modify the method of Muratani based on the use of access tokens to access protected documents and the use of session keys for encryption and decryption of information as taught by Serbinis. Applicant respectfully disagrees with this allegation.

As set forth in the Office Action, the security controller (150) and the descrambler circuit (114) of Muratani are alleged by the Examiner to be equivalent to the key generator and descrambler, respectively. Moreover, the User ID is alleged to be equivalent to the user key. However, these allegations fail to provide any suggestion or motivation for the *generation of the local key from a user key according to an authorization code provided by the content provider*. (Emphasis added). Rather, the user key (User ID) is merely used by the security controller (150)

to decrypt the scrambled key data and is provided to the ID data insert circuit (120) for insertion into data produced by descrambler circuit (114). There is no relationship between the local key and the user key as claimed.

In light of the foregoing, Applicant respectfully requests that both Muratani and Serbinis, alone or in combination, do not establish a prima facie case of obviousness. Withdrawal of the §103(a) rejections and allowance of the pending claims is respectfully solicited.

Conclusion

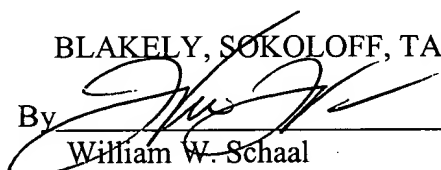
In view of the amendments and remarks made above, it is respectfully submitted that all pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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Dated: 08/18/2003

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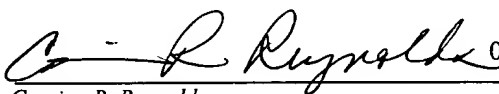
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